

Chapter 14.36

SEWER SYSTEM SERVICE CONNECTIONS, FEES, CHARGES AND DEPOSITS

(741-1/60; 1001-10/63, 1100-12/64, 2022-1/76, 2481-5/81, 2564-8/82, 2608-3/83, 2931-4/88, 2985-3/89, 3613-9/03, 3795-1/08, 3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

Sections:

- 14.36.005 Intent and Purpose
- 14.36.006 Definitions
- 14.36.010 Service application-Form
- 14.36.020 (Repealed, Ordinance No. 3613-9/03)
- 14.36.030 Encroachment permit-Connection by applicant
- 14.36.040 Change of occupancy-Installation of separate lines
- 14.36.050 (Repealed, Ordinance No. 3795-1/08)
- 14.36.060 Private premises-User/owner responsibility
- 14.36.070 Sanitary Sewer Facilities Fund Established-Fees and Charges
- 14.36.080 (Repealed, Ordinance No. 3613-9/03)
- 14.36.085 City Sewer Service Area-Fee schedule
- 14.36.090 Payment
- 14.36.100 Fee Adjustments
- 14.36.110 Annual Construction Cost Index Adjustments

14.36.005 Intent and Purpose This Chapter is intended to implement the goals, objectives and policies of the City of Huntington Beach General Plan, by ensuring the long-term adequacy of the City's sewer facilities are maintained when new development is constructed within the City limits. By imposing a fee or charge that is reasonably related to the burdens created by new development on the City's sewer system, together with funding available from other City revenue sources, the City will be able to construct the required capital improvements, accommodate projected growth and fulfill the goals, objectives and policies of the City's General Plan.

It is the intent of the City Council that the charge required by this Chapter shall be supplementary to any conditions imposed upon a development project pursuant to other provisions of the Municipal Code, the Subdivision Map Act, the California Environmental Quality Act, other state and local laws, ordinances or Charter provisions which may authorize the imposition of conditions on development.

(3613-9/03)

14.36.006 Definitions

For the purpose of this Chapter, the following terms shall be defined as follows:

- (a) "Applicant" shall mean any person or legal entity that applies for a permit or other entitlement for a new development project.
- (b) "City" shall mean the City of Huntington Beach.
- (c) "Equivalent Dwelling Unit (EDU)" shall refer to the unit cost assessed to a non-residential development.
- (d) "Multiple Family Dwelling Unit," shall mean a building or buildings designed with two (2) or more dwelling units.

- (e) "Public Works Director" shall mean the Director of Public Works or the Director's designee.
- (f) "Sewer Connection Fee," "Fee" or "Charge" shall mean the fee imposed on new development projects pursuant to this Chapter.
- (g) "Single Family Unit" shall mean a detached building designed primarily for use as a single dwelling, no portion of which is rented as a separate unit, except as permitted by this Code. Attached single family dwellings shall be considered as multi-family. (3613-9/03)

14.36.010 Service application-Form. All persons requesting service from the City Sewer System shall file a written application, signed by the applicant, or his agent, containing the following information:

- (a) The address or location of the premises to be served;
- (b) Whether the applicant is owner, developer, occupant or lessee, or agent of any of the foregoing;
- (c) The name and address of the applicant if such person is not the occupant or lessee of the premises;
- (d) Any additional information which the Director may require.

(2931-4/88, 3613-9/03)

14.36.030 Encroachment permit-Connection by applicant.

- (a) No person shall install any pipe, apparatus, appliance or connection to any part of the City Sewer System without first obtaining an encroachment permit to do so. The applicant shall bear the cost for all labor and materials, and shall be a licensed contractor or shall employ a contractor duly licensed under the laws of the State of California to perform such work. The applicant shall also be responsible for the cost of constructing, maintaining, or replacing any part of a sewer system on private property, required by the Director, from the sewer main line to and including any on-site structure.
- (b) Applicant shall comply with all relevant portions of Title 12 of this code not inconsistent with the provisions of this chapter.

(2931-4/88, 3613-9/03)

14.36.040 Change of occupancy-Installation of separate lines. Whenever occupancy on a parcel of land is changed from one to two or more, and more than one occupancy on such parcel is served by the City Sewer System, an additional connection fee shall apply. The Director, at his discretion, may require the owner of such a parcel of land to install separate sewer lines for each occupancy. (2931-4/88, 3613-9/03)

14.36.060 Private premises-User/owner responsibility. The city shall in no way whatsoever be responsible for any damage to persons or property because of any leakage, breakage, or seepage from, or accident or damage to, any sewer pipe or its appurtenances located on any private premises; nor shall the city be responsible for or on account of any damage, injury or loss caused directly or indirectly by the existence on private premises of any sewer pipe or its appurtenances. (2931-4/88, 3613-9/03)

14.36.070 Sanitary Sewer Facilities Fund Established-Fees and Charges.

- (a) There is hereby established, pursuant to California Government Code Sections 66013 and 66483 et seq., a Sanitary Sewer Facilities Fund. As a condition precedent to granting applications for sewer connections, or an increase in an applicant's water meter size, the Department of Public Works is hereby authorized to collect fees and charges in amounts which shall not exceed the estimated reasonable cost of providing a City Sewer System, maintaining same, and for future replacements or extensions thereof ("Sewer Service Charge"). All monies collected pursuant to this Chapter shall be deposited into the Sanitary Sewer Facilities Fund.
- (b) Except as otherwise provided in Chapter 14.44, the Sewer Service Charge authorized by this Chapter shall be collected and expended solely for the construction or reimbursement for construction of sanitary sewer facilities within the City's service area, and to reimburse the City for the cost of engineering and construction services to rehabilitate existing facilities or construct new sewer facilities.
- (c) The monies collected pursuant to this Chapter and deposited into the Sanitary Sewer Facilities Fund account shall be used solely for the purposes specified in this Chapter. All monies deposited into the Sanitary Sewer Facilities Fund shall be held separate and apart from other City funds. All interest and other earnings on the unexpended balance in the Sanitary Sewer Facilities Fund shall be credited to the Sanitary Sewer Facilities Fund.
- (d) Within 180 days after the last day of each fiscal year, the City Council shall review the status of compliance with this Chapter, including the amount of funds collected, expenditures from the Sanitary Sewer Fund Facilities Reserve Account, and the degree to which the fees and charges collected pursuant to this Chapter have been expended on existing sewer system facilities or new facilities that benefit the applicant or the development for which the fee or charge was collected. At least every five (5) years after the effective date of the Ordinance enacting this Chapter, the Public Works Director shall prepare, and the City Council shall consider, the fee formula established to implement this Chapter, whether any adjustment in the fee formula or use of fee proceeds is warranted, or any other changes are needed to the procedures established by this Chapter, to fulfill the goals, objectives or policies of the City's General Plan and the Sewer Master Plan. Each year between periodic reviews of the fee formula, the fee shall be increased by a factor to account for inflation in construction costs, as provided for by Section 14.36.110. (2931-4/88, 3613-9/03)

14.36.085 City Sewer Service Area-Fee schedule. The City operates and maintains a City-wide wastewater collection and pumping system. The City's planned local sanitary service area is as described in the City's Sewer Master Plan and consists of a City-wide sanitary sewer system. The Sewer Master Plan evaluates the capacity of this City-wide sewer system and identifies a plan to provide sewer service to existing and anticipated future users as a result of new development. The Sewer Master Plan also contains an estimate of total costs of constructing the City's sewer facilities required by the Sewer Master Plan to serve new development, a map of the City's Sewer Service Area and the location of the City's sewer facilities. The Sewer Service Charge authorized by this Chapter shall be set by resolution of the City Council, which resolution shall set forth the Sewer System Charge for Single Family Dwelling Units, Multiple Family Dwelling Units and for Equivalent Dwelling Units ("EDU") as defined by this Chapter.

(2931-4/88, 3613-9/03)

14.36.090 Payment.

- (a) The Sewer Service Charge and all other applicable sewer fees, including county sewer fees, shall be paid to the city prior to recording the final subdivision map with the County Recorder's Office, or prior to issuance of a building permit by the city if a subdivision map is not required. (3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

- (b) The subdivider or person to whom a building permit has been issued may enter into a standard reimbursement agreement with the city, pursuant to Chapter 14.44 of this code.

(2931-4/88, 2985-3/89, 3613-9/03, 3827-4/09, 3879-6/10)

Note: Ordinance No. 3827 (expired 4/15/10) and Ordinance No. 3879, effective from 5/3/10 to 5/3/11, temporarily defer the payment of certain Development Impact Fees.

14.36.100 Fee Adjustments. Any applicant subject to the Sewer Service Charge authorized by this Chapter may apply to the Director of Public Works for a reduction, adjustment or waiver of the fee. Circumstances that may justify a fee adjustment include an applicant's proposal to increase to a larger water meter size and sufficient information about the prior use is available to determine that credit for the existing meter size is warranted. A decision of the Director of Public Works to deny an applicant's request for a fee adjustment or waiver may be appealed by filing a fee adjustment application with the Director of Public Works. Such application shall be made on a form provided by the Director of Public Works and shall be filed with the Director of Public Works at the time of the application for building permit. Each application shall state in detail the factual basis for the requested fee reduction, adjustment or waiver. The Director of Public Works shall determine if the fee adjustment application is complete. The Public Works Commission shall consider the fee adjustment application at a hearing within sixty (60) days after the fee adjustment application is deemed complete by the Director of Public Works. The decision of the Public Works Commission will be final with respect to City action on the appeal.

(2931-4/88, 3613-9/03)

14.36.110 Annual Construction Cost Index Adjustments

- (a) Each Sewer System Charge shall be adjusted to reflect the annual percentage adjustment in the Construction Cost Index ("CCI") established by *Engineering News Record* as published by McGraw Hill Construction/McGraw Hill Companies as of July 1 each year.
- (b) Adjustments based on these criteria will be determined on July 1 of each year. The adjustments will be implemented effective the following October 1, which is the beginning of the city's fiscal year. (2931-4/88, 3613-9/03)